

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 19, 2025
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB25-1090 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, line 14, after "**remedies -**" insert "**rules -**".
- 2 Page 4, strike line 8 and substitute "NOTICEABLE, READABLE, AND
- 3 UNDERSTANDABLE TO ORDINARY PERSONS;".
- 4 Page 5, line 17, strike "DEPARTMENT." and substitute "DEPARTMENT,
- 5 INCLUDING TAXES OR FEES THAT ARE IMPOSED BY, PAID TO, OR PASSED ON
- 6 TO A GOVERNMENT, INCLUDING A LOCAL GOVERNMENT ENTITY OR OTHER
- 7 UNIT OF LOCAL GOVERNMENT, OR A POLITICAL SUBDIVISION OF THE STATE,
- 8 INCLUDING A GOVERNMENT-CREATED SPECIAL DISTRICT.".
- 9 Page 5, line 22, strike "BILL TO" and substitute "BILL.".
- 10 Page 5, strike lines 23 through 25.
- 11 Page 6, line 14, after "PROPERTY;" insert "OR".
- 12 Page 6, strike lines 15 and 16 and substitute:
- 13 "(B) A REASONABLE PERSON WOULD EXPECT TO BE INCLUDED IN".
- 14 Page 7, line 3, strike "SUBSECTION" and substitute "SUBSECTIONS" and
- 15 after "(2)(a)" insert "AND (3)(b)".
- 16 Page 7, strike lines 7 through 11 and substitute:
- 17 "(I) IS A FOOD AND BEVERAGE SERVICE ESTABLISHMENT THAT, IN
- 18 EVERY OFFER, DISPLAY, OR ADVERTISEMENT FOR THE PURCHASE OF A

1 GOOD OR SERVICE, INCLUDES WITH THE PRICE OF THE GOOD OR SERVICE
2 OFFERED, DISPLAYED, OR ADVERTISED A CLEAR AND CONSPICUOUS
3 DISCLOSURE OF".

4 Page, 7, strike lines 14 through 19 and substitute "IS DISTRIBUTED;".

5 Page 7, lines 21 and 22, strike "LAW REGARDING PRICING
6 TRANSPARENCY." and substitute "LAW, RULE, OR REGULATION REGARDING
7 PRICE TRANSPARENCY FOR THE PURPOSES OF THE TRANSACTION AT ISSUE,
8 INCLUDING, BUT NOT LIMITED TO:

9 (A) THE FEDERAL "TRUTH IN SAVINGS ACT", 12 U.S.C. SEC. 4301
10 ET SEQ.;

11 (B) THE FEDERAL "ELECTRONIC FUND TRANSFER ACT", 15 U.S.C.
12 SEC. 1693 ET SEQ.;

13 (C) SECTION 19 OF THE "FEDERAL RESERVE ACT", 12 U.S.C. SEC.
14 461 ET SEQ., AS AMENDED;

15 (D) THE FEDERAL "TRUTH IN LENDING ACT", 15 U.S.C. SEC. 1601
16 ET SEQ.;

17 (E) THE FEDERAL "HOME OWNERSHIP AND EQUITY PROTECTION
18 ACT", 15 U.S.C. SEC. 1639;

19 (F) THE FEDERAL "INVESTMENT COMPANY ACT OF 1940", 15
20 U.S.C. 80a-1 ET SEQ.;

21 (G) THE FEDERAL "INVESTMENT ADVISERS ACT OF 1940", 15
22 U.S.C. SEC. 80b-1 ET SEQ.; OR

23 (H) THE FEDERAL REGULATION BEST INTEREST REGULATION IN 17
24 CFR 240.151-1 PURSUANT TO THE FEDERAL "SECURITIES EXCHANGE ACT
25 OF 1934", 15 U.S.C. 78a ET SEQ.;

26 (III) CAN DEMONSTRATE THAT ANY FEES, COSTS, OR AMOUNTS
27 CHARGED IN ADDITION TO THE TOTAL PRICE WERE:

28 (A) ASSOCIATED WITH SETTLEMENT SERVICES, AS DEFINED BY THE
29 FEDERAL "REAL ESTATE SETTLEMENT PROCEDURES ACT", 12 U.S.C. SEC.
30 2602 (3); AND

31 (B) NOT REAL ESTATE BROKER COMMISSIONS OR FEES;

32 (IV) CAN DEMONSTRATE THAT THE PERSON IS PROVIDING
33 BROADBAND INTERNET ACCESS SERVICE ON THEIR OWN OR AS PART OF A
34 BUNDLE, AS DEFINED IN 47 CFR 8.1 (b), AND IS COMPLIANT WITH THE
35 BROADBAND CONSUMER LABEL REQUIREMENTS ADOPTED BY THE FEDERAL
36 COMMUNICATIONS COMMISSION IN FCC 22-86 ON NOVEMBER 14, 2022; OR

37 (V) CAN DEMONSTRATE THAT THEY ARE AN AIR CARRIER
38 PROVIDING TRANSPORTATION AS DEFINED AND REGULATED BY THE
39 FEDERAL "AVIATION ACT OF 1958", PUB.L. 85-726, AND PURSUANT TO
40 THE FEDERAL "AIRLINE DEREGULATION ACT OF 1978", 49 U.S.C. SEC.
41 41712."

- 1 Page 8, line 4, strike "COST OF THE".
- 2 Page 8, line 6, after "ADVERTISING" insert "AN AMOUNT A PERSON MAY
3 PAY FOR".
- 4 Page 8, line 23, strike "UNIT;" and substitute "UNIT, EXCEPT IN
5 ACCORDANCE WITH SECTION 38-12-801 (3)(a)(VI);".
- 6 Page 8, line 27, strike "TAXES OR OTHER".
- 7 Page 9, strike line 1 and substitute "TAXES;".
- 8 Page 9, line 2, strike "PAYMENTS;" and substitute "PAYMENTS IF A MEANS
9 OF PAYMENT THAT IS COST-FREE TO THE TENANT IS NOT REASONABLY
10 ACCESSIBLE BY THE TENANT;".
- 11 Page 9, line 11, strike "CHARGED;" and substitute "CHARGED, EXCEPT AS
12 PROVIDED IN SECTION 38-12-801 (3)(a)(VI);".
- 13 Page 9, lines 15 and 16, strike "SECTION OR IS OTHERWISE
14 UNENFORCEABLE." and substitute "SECTION.".
- 15 Page 9, line 27, strike "OCCURRED," and substitute "OCCURRED IN A
16 DISPUTE BETWEEN A LANDLORD AND A TENANT OVER A RESIDENTIAL
17 PROPERTY OR A LESSOR AND A LESSEE OF A COMMERCIAL PROPERTY,".
- 18 Page 10, line 9, strike "A PERSON" and substitute "AN ALLEGED
19 VIOLATOR".
- 20 Page 10, strike line 16 and substitute "THE PERSON IS LIABLE FOR ACTUAL
21 DAMAGES PLUS AN INTEREST RATE OF EIGHTEEN PERCENT PER ANNUM
22 COMPOUNDED ANNUALLY.".
- 23 Page 10, strike lines 17 through 19.
- 24 Page 10, after line 25 insert:
- 25 "(6) THE ATTORNEY GENERAL MAY ADOPT RULES TO IMPLEMENT
26 THIS SECTION.
- 27 **SECTION 3.** In Colorado Revised Statutes, 6-1-720, **amend** (1)
28 introductory portion, as follows:
29 **6-1-720. Ticket sales - deceptive trade practice - definitions.**
30 (1) NOTWITHSTANDING SECTION 6-1-737, a person engages in a deceptive

1 trade practice when, in the course of the person's business, vocation, or
2 occupation, the person:".

3 Renumber succeeding section accordingly.

4 Page 11, strike lines 4 through 12 and substitute:

5 "(VI) A provision that requires a tenant to pay a:

6 (A) Markup or fee for a service for which the landlord is billed by
7 a third party; except that a written rental agreement may include a
8 provision that requires a tenant to pay either a markup or fee in an amount
9 that does not exceed two percent of the amount that the landlord was
10 billed or a markup or fee in an amount that does not exceed a total of ten
11 dollars per month, but not both. This subsection (3)(a)(VI) does not
12 preclude a prevailing party from recovering an amount equal to any
13 reasonable attorney fees awarded by a court pursuant to subsection
14 (3)(a)(II) of this section; OR

15 (B) FEE, CHARGE, OR".

16 Page 11, strike lines 14 through 23 and substitute:

17 **"SECTION 5. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect January 1, 2026; except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within the ninety-day period after final adjournment of the general
22 assembly, then the act, item, section, or part will not take effect unless
23 approved by the people at the general election to be held in November
24 2026 and, in such case, will take effect on the date of the official
25 declaration of the vote thereon by the governor.".

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